

REMARKS

Claims 1-13 are now pending in the application. The following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1 and 5-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by VanOrder et al. (5,887,485).

This rejection is respectfully traversed.

VanOrder fails to teach a sled having an opening for receiving a shift lever assembly or a sled having an opening for receiving a brake lever assembly. Rather, VanOrder teaches a floor console assembly (1) including a housing (2) having a slot (5) that receives a handle (6) of a parking brake assembly and an opening (8) that receives part of a shift assembly (20). See VanOrder at Col. 3, Ins. 36-44 and FIG. 1. The housing is mounted to a base (55), which is mounted on a floor of a vehicle and supports the parking brake handle and shift assembly generally between the base and the housing. See VanOrder at Col. 3, Ins. 59-65 and FIG. 3.

VanOrder fails to teach even a single opening in a sled, which the Examiner identifies as the base (55), for receiving either a brake assembly or a shift assembly. The only openings taught by VanOrder are disposed in the console, which the Examiner identifies as the housing (2). Applicants respectfully submit that even if the Examiner characterizes the console as the "sled" of the present invention, VanOrder fails to teach

using fasteners for mounting either a brake assembly or a shift assembly to the sled and also fails to teach mounting a console to the sled.

In contrast, the present invention teaches a sled system for mounting a shift assembly to a vehicle including a sled having a first opening (30) for accepting a shift lever assembly and a second opening for accepting a brake lever assembly. A plurality of fasteners mount the shift lever assembly and brake lever assembly to the sled and a console is mounted to the sled.

Because VanOrder fails to teach a sled having an opening for receiving a shift lever assembly or a sled having an opening for receiving a brake lever assembly, Applicants respectfully submit that VanOrder fails to teach each and every element of the present invention. Accordingly, Applicants respectfully submit that independent Claims 1 and 9, as well as Claims 5-8 and 10-11, respectively dependent therefrom, are in condition for allowance. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 2-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over by VanOrder et al. (5,887,485) in view of Official Notice.

Claims 4, 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over VanOrder et al. (5,887,485) in view of Knox, Jr. (4,077,276).

These rejections are respectfully traversed.

Independent Claims 1 and 9 are believed to be in condition for allowance in light of the remarks contained above. Because Claims 2-4 respectively depend from

independent Claims 1 and 9, defendant Claims 2-4 should similarly be in a condition for allowance for at least the same reasons. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

As described above with respect to independent Claims 1 and 9, VanOrder fails to teach or suggest a sled having an opening for receiving a shift lever assembly or a sled having an opening for receiving a brake lever assembly. The Examiner contends that it would have been obvious to one of ordinary skill in the art to modify the sled system console disclosed in VanOrder to incorporate an extra transfer case shift lever needed for a four-wheel drive vehicle by providing an additional third opening to accommodate the placement of the transfer case shift lever next to the transmission shift lever assembly in light of the teachings of Knox.

Knox does not teach a sled having even a single opening for receiving an actuator of a transfer case. Knox is directed to a lock (10) that retains an actuator lever (12) of a transfer case (14) in a predetermined position. See Knox at Col. 2, Ins. 23-26. The lock includes a bracket that is mounted to a floor of a vehicle, generally above the transfer case, having a series of U-shaped cutouts (44,46) that selectively receive the actuator. See Knox at Col. 2, Ins. 55-63, Col. 2, Ins. 40-43 and FIGS. 1 and 6. The bracket is not part of a shift lever assembly, but rather, is an individual component that is fixedly attached to a floor of a vehicle. Because the bracket is an individual component, and is not combined with a console or housing of a shift assembly, Applicants respectfully submit that there is no teaching, suggestion, or motivation to incorporate the bracket of Knox into a sled of a shift lever assembly to provide a shift assembly having a unitary construction.

Because VanOrder does not disclose a sled having an opening for receiving a shift lever assembly or a sled having an opening for receiving a brake lever assembly, and none of the cited references cures this deficiency on VanOrder, Applicants' invention is not taught or suggested by the prior art and reconsideration and withdrawal of the rejection is respectfully requested.

In this manner, it is believed that independent Claim 12, as well as Claim 13, dependent therefrom, are in a condition for allowance in light of the art of record. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Final Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 944-6526.

Respectfully submitted,

Dated: 10-13-05 By: 
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